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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Thomas BACKENFELD et al.

Serial No.: 10/022,845

Examiner: Patrick T. Lewis

Filed: December 20, 2001

Group Art Unit: 1623

Title: COMPOSITIONS OF ESTROGEN-CYCLODEXTRIN COMPLEXES

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RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

In response to the Office Action mailed March 19, 2003, and the restriction requirement set forth therein, Applicants hereby elect Group I, claims 1-34 and 37-46, drawn to the estrogen-cyclodextrin complexes and compositions containing them. The election is made with traverse for the reasons set forth below. Applicants reserve the right to file one or more divisional applications directed to the non-elected subject matter.

The requirement for restriction is traversed on the grounds that the examination of the groups of invention indicated in the Office Action together would not amount to a serious burden upon the PTO. The search for the complexes/compositions will necessarily reveal any method using them. In the absence of a serious burden of examination, restriction is not proper. See M.P.E.P. §803. Thus, the requirement should be withdrawn.

Further, should the restriction be maintained, it is urged that at least one of the methods of Groups II and III should be rejoined with any allowed complexes/composition claims.

Favorable action is earnestly solicited.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,


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Attorney Docket No.: PLOVIN-5

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